



## BOARD OF PUBLIC WORKS & SAFETY JANUARY 6, 2005 MINUTES

Mayor Charles Henderson called the meeting to order at 8:38 a.m.

<b>PRESENT:</b>	Board members Warren Beville, Mayor Henderson, Kevin Hoover; Clerk-Treasurer Jeannine Myers; City Attorney Shawna Koons-Davis; and Director of Engineering Paul Peoni.
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Mr. Beville moved that the minutes of December 9<sup>th</sup> be accepted as presented. Second by Mr. Hoover. Vote: Ayes. Mr. Beville then moved to accept the minutes of December 21<sup>st</sup> as presented. Second by Mr. Hoover. Vote: Ayes.

Mike Mullin of Beazer Homes, on behalf of Barton Lakes Section 5, asked for acceptance of improvements, acceptance of maintenance bonds and release of performance bonds. Mr. Peoni indicated that all items being asked for acceptance appear to have been satisfactorily installed. He has received paper as-builts and is waiting for the final mylars. Mr. Peoni will also check on any Inspection & Testing fees that might be due and stated that the amount on the maintenance bond for the stone base, asphalt base, asphalt binder and asphalt surface is incorrect and needs to be revised. The form of the bonds is correct. Per Mr. Peoni's memo, Mr. Hoover moved to:

- 1) Accept the dirtwork and storm sewers at Barton Lakes, Section 5.
- 2) Accept three (3) year maintenance bond #08664907 from Fidelity and Deposit Company of Maryland in the amount of \$41,881.74 for the dirtwork and storm sewers at Barton Lakes, Section 5.
- 3) Release performance bond #929272743 from The Continental Insurance Company in the amount of \$209,408.71 for the installation of the dirtwork and storm sewers at Barton Lakes, Section 5.
- 4) Accept the erosion control at Barton Lakes, Section 5.
- 5) Accept three (3) year maintenance bond #08664906 from Fidelity and Deposit Company of Maryland in the amount of \$8,299.03 for the erosion control at Barton Lakes, Section 5.
- 6) Release performance bond #929272748 from The Continental Insurance Company in the amount of \$41,495.14 for the installation of the erosion control at Barton Lakes, Section 5.
- 7) Accept the signs and monuments at Barton Lakes, Section 5.
- 8) Accept three (3) year maintenance bond #08664910 from Fidelity and Deposit Company of Maryland in the amount of \$347.38 for the signs and monuments at Barton Lakes, Section 5.
- 9) Release performance bond #929272749 from The Continental Insurance Company in the amount of \$1,736.90 for the installation of the signs and monuments at Barton Lakes, Section 5.
- 10) Accept the stone base, asphalt base, asphalt binder, asphalt surface and concrete curbs (streets) at Barton Lakes, Section 5.
- 11) Accept three (3) year maintenance bond #400TE1569 in the amount of \$18,249.17 (WHEN REVISED) for the stone base, asphalt base, asphalt binder and asphalt surface at Barton Lakes, Section 5.
- 12) Accept three (3) year maintenance bond #Q93 5270102 from Erie Insurance Group in the amount of \$5,335 for the concrete curbs at Barton Lakes, Section 5.
- 13) Release performance bond #929272746 from The Continental Insurance Company in the amount of \$81,187.70 for the installation of the streets excluding the asphalt surface at Barton Lakes, Section 5.
- 14) Release performance bond #929272747 from The Continental Insurance Company in the amount of \$10,058.13 for the installation of the asphalt surface at Barton Lakes, Section 5.
- 15) Release performance bond #929272745 from The Continental Insurance Company in the amount of \$26,675 for the installation of the concrete curbs at Barton Lakes, Section 5, all contingent upon:
  - a) Receipt of final mylar as-builts.

- b) Payment of any final Inspection & Testing fees, if applicable.
- c) Receipt and review and approval of a new three (3) year maintenance bond or rider for the stone base, asphalt base, asphalt binder and asphalt surface as stated in #11 above.

Second by Mr. Beville. Vote: Ayes.

Ms. Koons-Davis confirmed that the nuisance complaint at 664 Sunset Boulevard has been abated.

From the audience, Fire Chief Steve Dhondt came forward to discuss Federal grants that his department had received last year, one to update all the self-contained breathing apparatus and the other for installation of exhaust removal systems in all three fire stations. The SCBA portion was delayed because they could not get all the equipment from the vendor. That portion had to be completed first, so quotes could not be presented to the Board of Works before the last meeting in December. That money had to be carried over. The Common Council acted on Monday night to complete that carry over. The grant from the Department of Homeland Security was \$59,750; our matching funds amounted to \$8,250. The ordinance will go to the Department of Local Government Finance (DLGF) for approval. Chief Dhondt detailed the quotes. Two were returned, one from Clean Air Concepts out of Cincinnati, Ohio for \$64,147, and another from Air Cleaning Specialists out of Indianapolis for \$66,000. Chief Dhondt described how the two systems work, with the difference being in how they hook up. The quote from Air Cleaning Specialists was more responsible, stressed Chief Dhondt, in keeping the air safer for staff and the public, as the seal created is more complete and the firefighter does not have to bend down to hook a piece up to the exhaust pipe. Per this recommendation, Mr. Beville moved to award the contract for the exhaust removal systems to Air Cleaning Specialists, conditioned upon approval of the additional appropriation ordinance by the DLGF. Second by Mr. Hoover. Vote: Ayes.

Chief Dhondt next discussed the contract for fire protection for the unincorporated areas of Pleasant Township, which expires every January 15<sup>th</sup>. The attorney for the Pleasant Township trustees is working on that agreement, he reported, and he anticipates having it tomorrow to give to the City Attorney for her review. The terms and conditions would be the same, noted Chief Dhondt, and the cost would remain the same. He does not believe there are any statute changes. Mr. Hoover moved to approve the contract with Pleasant Township as described, subject to final review and approval by the City Attorney and Fire Chief and authorize the Mayor to sign. Second by Mr. Beville. Vote: Ayes.

Arnie Kaptain, Office Manager of the Sanitation Billing Office, presented the 2005 budget to the Board for review. The budget for the Sanitation Field Department was included in the packet. The Board will discuss these at the next meeting.

Planning Director Ed Ferguson gave a brief background on the Greenwood Springs project, around 40 acres by the County Line Road/I-65 interchange. Regency Centers is in the process of acquiring that property and has submitted a new plat and site plans for four lots within that plat. It has been through Tech Committee and Plan Commission said Mr. Ferguson, and the project has received conditional approvals. As part of the approval, Regency Centers is to relocate water, sanitary and storm sewer lines as well as a detention pond. They mention a closing on January 18<sup>th</sup> (the Wal-Mart property) in a letter to the Mayor. Mr. Ferguson indicated that staff has informed Regency Centers they can close with a metes and bounds description. The revised Subdivision Control ordinance states that subdivision improvements must be installed and accepted by the City before a plat can be recorded. The hang-up, said Mr. Ferguson, is the condition in the agreement between Regency Centers, the developer, and Wal-Mart, the buyer of Lot #2, that they be able to close on a recorded subdivision lot. Mr. Ferguson mentioned that there is a major relocation issue, especially with the sanitary sewer line that is to serve the 40 acres. The City Attorney noted that the developer did not want to go through the waiver process with the Plan Commission. Staff and other personnel met with representatives from Regency Centers yesterday, said Mr. Ferguson, and worked out exactly what they would need. There was then discussion about the change in target dates that the developer gave the City as well as the option of changing the terms of their contract or trying the waiver process with the Plan Commission. Final plans will need to be reviewed. The Inspection & Testing Agreement and the bonding process were also discussed. Mr. Hoover moved to conditionally grant plat approval, subject to the developer obtaining an appropriate waiver from the Plan Commission and staff's final review and approval of the plat, presentation to the Board at the January 20<sup>th</sup> meeting with respect to final numbers for bonding that will need the Engineering Department and Legal Department's approval. Second by Mr. Beville. Mr. Ferguson reviewed the options for Regency Centers as obtaining a waiver from the Plan Commission next Monday, using a metes and bounds description, or closing at a later date. Mr. Ferguson indicated that staff may be

proposing an ordinance that would make the process a little more flexible for commercial/industrial subdivisions than residential. Vote: Ayes.

The City Attorney's Status of Tasks was reporting only.

On his Status of Tasks, Mr. Peoni brought up the Greenwood Bible Baptist Church Project – Phase II. They have presented three performance Letters-of-Credit for various improvements. The amounts and improvements shown on those letters-of-credit are correct, said Mr. Peoni. Counsel indicated that the City would be able to draw down only on Bank One out of Chicago, so that would involve mailing in the event of a draw down. She doubts they would be willing to change that. Mr. Hoover, per Mr. Peoni's memo, moved to:

- 1) Accept performance Letter-of-Credit (LOC) #420527 from Bank One in the amount of \$18,836 for the installation of the erosion control at the Greenwood Bible Baptist Church Project – Phase II.
- 2) Accept performance LOC #420528 from Bank One in the amount of \$68,589 for the installation of the dirtwork and storm sewers at the Greenwood Bible Baptist Church Project – Phase II.
- 3) Accept performance LOC #420529 from Bank One in the amount of \$303 for the installation of the sidewalks in the public right-of-way at the Greenwood Bible Baptist Church Project – Phase II.

Second by Mr. Beville. Vote: Ayes.

Concerning the Starbucks on E. Main Street, Mr. Peoni recounted that they originally presented an Inspection & Testing Agreement for all improvements except sanitary sewers with Boyle Construction Company as the contractor. The Board accepted that on November 4, 2004. Since that time, Starbucks has apparently cancelled the contract with Boyle and has gone with Capital Construction, so there is a new Inspection & Testing Agreement. Mr. Beville moved to accept the new Inspection & Testing Agreement and transfer the fees. Second by Mr. Hoover. Vote: Ayes.

On the same project, Mr. Peoni indicated that a condition of Starbucks' requests to accept performance guarantees, accept the Inspection & Testing Agreement and grant a detention waiver was the granting of right-of-way that the City would need for traffic improvements on the west side and northwest corner of the property. In a December 10, 2004 letter to Mr. Peoni, T. Aaron Boyce of Midland Atlantic Properties proposed the City waive the sewer availability and sewer tap fees in exchange for the dedication of right-of-way. Mr. Peoni recounted that it was his understanding that the right-of-way was to be donated and questioned whether the City could waive sewer availability fees or the tap fees. The Mayor agreed with Mr. Peoni. Mr. Peoni will be working with the City Attorney to get the donation finalized. He hopes to have a price next week from Midwestern Electric on relocating the traffic signals and poles.

Mr. Peoni told the Board that in December, 2004 he had requested a proposal from KOE Engineering & Surveying to do some surveying work on our neighboring property to the north (30 N. Madison Avenue) and for the City parking lot east of the DeBaun Auto Service Property on Main Street. Mr. Peoni described his concerns about knowing exactly where our property lines are and possibly have topography done on the site, especially if the City does put in a parking lot at 30 N. Madison. KOE has submitted not-to-exceed amounts for work (ALTA survey) on both sites, which Mr. Peoni feels is conservative and on the high side. The City will be billed at an hourly rate not to exceed those amounts. He said his department carried over funds from last year. Mr. Beville moved to ratify the acceptance of the proposal as described. Second by Mr. Hoover. Vote: Ayes.

Mr. Peoni indicated that the Engineering Department hopes to put the Northern Park Project out for bids within the next six weeks or so and asked for the Board's approval to advertise for bids. The project will involve replacing the curb line and milling the old asphalt and installing new in at least half of Northern Park, with possibly installing new sidewalks if the bids are good. Mr. Hoover moved to authorize staff to move forward on the bid process for Northern Park. Second by Mr. Beville. Vote: Ayes.

Mr. Beville moved to accept claims through January 6, 2005. Second by Mr. Hoover. Vote: Ayes.

Ms. Myers announced that her office went live with the new GEMS software on January 4<sup>th</sup> and they are excited about this.

Mayor Henderson brought up a letter concerning a right turn only at Kohl's off of Fry Road. Ms. Koons-Davis recounted that Councilman Hardin had a request from a Police officer to consider this change as

the turn is dangerous. Mr. Peoni thought that the proposed Fry Road plans now call for allowing left turns each direction at that location, with a dedicated left turn lane, although no traffic signal. There has been discussion within the last month about having a right turn only at the Kohl's entrance. Traffic would go to the new entrance by the cinema, where there eventually will be a traffic signal when the Fry Road project is completed. Mr. Hoover agreed that we need to explore the possibility, although it may be moving the problem from one area to another. The Mayor and the Director of Engineering agreed that the dedicated left turn lane would help, and Mr. Peoni added that the Director of Operations mentioned the possibility of putting in an island and having right turn in and out only from Kohl's. The traffic signal at the new entrance will help as well. The Mayor suggested having the engineering firm consider the impact on the mall property if the Kohl's left turn lane is eliminated.

With no further business, the meeting adjourned at 9:20 a.m.